
Introduced by Senator FlorezFebruary 18, 2010

An act to amend Section 554 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1121, as introduced, Florez. Overtime wages: agricultural workers. Existing law sets wage and hour requirements for employees and requires an employer to pay overtime wages as specified to an employee who works in excess of a workday or workweek, as defined. Existing law exempts agricultural employees from these requirements.

This bill would remove the exemption for agricultural employees.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 554 of the Labor Code is amended to
2 read:
3 554. (a) Sections 551 and 552 ~~shall do not apply to any cases~~
4 of emergency ~~nor or~~ to work performed in the protection of life
5 or property from loss or destruction, ~~nor or~~ to any common carrier
6 engaged in or connected with the movement of trains. ~~This chapter,~~
7 ~~with the exception of Section 558, shall not apply to any person~~
8 ~~employed in an agricultural occupation, as defined in Order No.~~
9 ~~14-80 (operative January 1, 1998) of the Industrial Welfare~~
10 ~~Commission.~~ Nothing in this chapter shall be construed to prevent
11 an accumulation of days of rest when the nature of the employment
12 reasonably requires that the employee work seven or more

1 consecutive days, if in each calendar month the employee receives
2 days of rest equivalent to one day's rest in seven. The requirement
3 respecting the equivalent of one day's rest in seven shall apply,
4 notwithstanding the other provisions of this chapter relating to
5 collective bargaining agreements, where the employer and a labor
6 organization representing employees of the employer have entered
7 into a valid collective bargaining agreement respecting the hours
8 of work of the employees, unless the agreement expressly provides
9 otherwise.

10 (b) In addition to the exceptions specified in subdivision (a),
11 the Chief of the Division of Labor Standards Enforcement may,
12 when in his or her judgment hardship will result, exempt any
13 employer or employees from the provisions of Sections 551 and
14 552.